REMARKS

The Office Action (OA) noted issues with a previously filed Kashino reference as well as informalities (i.e., nonsubstantive issues concerning grammar) in the specification and claims. Applicant thanks the PTO for the corresponding guidance and addresses the aforementioned Kashino reference and grammar issues with this filing.

Claims 12, 22, and 30 are cancelled. Support for new and amended claims exists, in the least, in the published specification as follows: claim 8 (¶30), claim 28 (¶43), claim 32 (¶43), claim 33 (¶26).

Claims 1 and 13—"Groups"

Claim 1 includes "[A] partitioning said audio database into a plurality of groups." The OA rejects this based on Cunningham ("clustering algorithms that partition the data set ... into several disjoint groups"). OA, 3. Thus, the OA appears to argue that clustering algorithms are used to produce clusters from data. The clusters themselves apparently represent data separated into disjointed groups (or clusters). The PTO is arguing the derived clusters are groups. With this claim construction in mind, the OA later addressed a portion of claim 1 that includes "[B] processing said ... groups ... to search for said target audio clip." The OA rejects this based on Cunningham ("partition methods ... against the relational database"). OA, 4. So now the PTO is arguing raw data from the relational database is a "group." Thus, the OA constructs "groups" inconsistently in rejecting [A] and [B]. **In other words, what are the groups in Cunningham—derived clusters or raw data?** No prima facie §103 case is made as the same claim term is construed inconsistently throughout the claim.

For at least these same reasons, claim 13 is allowable over the cited art.

Claim 1—"Target Clip"

Claim 1 includes "establishing a model for said target ... clip." The OA rejects this based on Cunningham ("creating the [GMM] for the accessed data"). OA, 4. Claim 1 also includes "processing said scheduled groups ... to search for said target ... clip." The OA rejects this based on Cunningham ("performing operations ... that use partitioning methods ... against the relational database"). *Id.* Thus, the OA is construing "target ... clip" as "accessed data" in a

"relational database." However, claim 1 includes a "target" clip—not just a clip. The OA seems to give little weight to the modifier "target." During examination claims are interpreted as broadly as their terms reasonably allow but still consistent with the (a) specification and the (b) interpretation those skilled in the art would reach. MPEP 2111. The specification provides "one core may process an audio clip to be *searched for* ("target audio clip")." ¶18 **This "accessed data" is searched—it is not *searched for*.** Please reconsider the rejection.

Claim 6

Claim 6 includes "segment has the same length in time as that of said target audio clip", which the OA rejects based on Attias ("since the query segment and the segment of audio ... are the same, they must have the same length"). However, this interprets "segment" out of context. Claim terms are not interpreted in a vacuum, devoid of the context of the claim as a whole. *See Hockerson-Halberstadt, Inc. v. Converse Inc.*, 183 F.3d 1369, 1374 (Fed. Cir. 1999) ("claim construction ... demands interpretation of the entire claim in context, not a single element in isolation."). The segment in question was earlier addressed where claim 1 provides "partitioning ... database into ... groups" and claim 5 provides "partitioning ... group[] into at least one segment." The OA shows little more than some mass of data in Attias likely has a portion of data of the same length as the query segment—but **fails to consider either of the two specifically recited "partitioning" actions** found in claims from which claim 6 depends. In other words, the "segment" of claim 6 is the result of at least two partitionings and the OA has not shown the same to be true for the asserted art. Please reconsider the rejection.

Claim 11

Claim 11 includes "skipping processing a number of segments if said KL distance is larger than a predetermined value." The OA rejects this based on Cunningham ("handle outliers using Mahalanobis distances"). However, calculating the Mahalanobis distances for the outliers constitutes processing—not skipping processing. In other words, using the OA's logic, when **Cunningham detects a distance is larger than a predetermined value, Cunningham just processes the outlier with a different method...but the outlier is nevertheless processed.** Please reconsider the rejection and note ¶28 of the published specification. MPEP 2111 (during

examination claims are interpreted as broadly as their terms reasonably allow but still consistent with the (a) specification and the (b) interpretation those skilled in the art would reach).

Conclusion

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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/E.E. "Jack" Richards, II/
E.E. "Jack" Richards, II
Registration No. 53,514
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, Texas 77057-2631
(512) 418-9944 [Phone]
(713) 468-8883 [Fax]
Customer No.: 21906